

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**THE UNITED STATES OF AMERICA**

**vs.**

**CR. NO. 99CR00109-OO7 (HL)**

**JOSE VILLEGAS-RUSSO**

\* \* \* \* \*

**MOTION NOTIFYING VIOLATION OF SUPERVISED RELEASE CONDITIONS  
AND REQUEST FOR A SUMMONS**

**TO THE HON. HECTOR M. LAFFITTE, SENIOR  
UNITED STATES DISTRICT JUDGE  
DISTRICT OF PUERTO RICO**

**COMES NOW, CARLINA CORTES BAEZ, SENIOR UNITED STATES PROBATION  
OFFICER** of this Honorable Court, presenting an official report upon the conduct and attitude of the offender, José Villegas-Russo, who on the 27<sup>th</sup> day of October 1999, was sentenced by Your Honor to serve a term of imprisonment of fifty-one (51) months to be followed by a term of supervised release of three (3) years for a violation of Title 18, United States Code, Sections 922 (a) (1)(A). On August 19, 2004, Mr. Villegas-Russo was released from custody to commence the imposed supervised release term. Besides the standard conditions of supervision, Mr. Villegas-Russo was ordered to refrain from any unlawful use of controlled substances, submit to urinalyses and participate in a drug treatment program if need. A special assessment in the amount of \$100.00, was also imposed which was paid on July 2, 1999.

A previous Motion Notifying Violations to Supervised Release Conditions was filed on April 4, 2006, informing the Court of the offender's local arrest, relapse into the use of illegal substances; and requesting modification of conditions and a written reprimand. On April 6, 2006, Your Honor

ordered the modification of the offender's conditions by imposing search among his conditions, in addition, issued a written reprimand. However, the Court's action has not been sufficient as to modify the offender's misbehavior.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE  
AS FOLLOWS:**

**1. VIOLATION OF SPECIAL CONDITION - "THE DEFENDANT SHALL REFRAIN FROM UNLAWFUL USE OF CONTROLLED SUBSTANCES AND SUBMIT TO DRUG TESTING WITHIN FIFTEEN (15) DAYS OF RELEASE ON SUPERVISED RELEASE, AT LEAST TWO(2) PERIODIC TESTS THEREAFTER, AND WHENEVER REQUESTED BY THE PROBATION OFFICER. IF ANY SUCH SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM ARRANGED, AND APPROVED BY THE PROBATION OFFICER, UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE PROBATION OFFICER."**

Following the offender's first drug relapse, on April 18, 2006, the offender was referred to one of our contracted ambulatory drug treatment programs for detoxification services and treatment. The offender's drug testings of April 19 and May 11, 2006, yielded two (2) additional positive result to *opiates*, which he admitted. The offender was suspended from the ambulatory program and referred to a residential drug treatment program for detoxification services and treatment. On May 15, 2006, the offender entered the residential program and on May 16, 2006, he abandoned the same. When confronted with his none compliance, Mr. Villegas-Russo reported that he did not like how he was treated upon his arrival to the program. In addition, the offender admitted that he was still active in the

use of drugs. The offender accepted once again to re-enter the residential drug treatment program on May 24, 2006.

**2. VIOLATION OF STANDARD CONDITION 2: “THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AS DIRECTED; AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN FIVE (5) DAYS OF EACH MONTH.”** The offender failed to report to the Probation Office for drug testing on April 26 and May 3, 2006.

**WHEREFORE**, I declare under penalty of perjury, that the above mentioned in true and correct. In view that the offender violated his conditions of release, we respectfully request , that the Court issue a summons so that he may appear before this Honorable Court to show cause why his supervised release term should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 23<sup>rd</sup> day of May 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
UNITED STATES PROBATION OFFICER

s/ Carlina Cortés-Báez

Carlina Cortés-Báez

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**CERTIFICATE OF SERVICE**

I HEREBY certify that on May 23, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Timothy Vazquez, Assistant U.S. Attorney and Edgar Betancourt-Aquino, Esq.

In San Juan, Puerto Rico on May 23, 2006.

s/ Carlina Cortés-Báez  
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